

VZCZCXYZ0002  
PP RUEHWEB

DE RUEHSI #0402/01 0711455  
ZNY CCCCC ZZH  
P 111455Z MAR 08  
FM AMEMBASSY TBILISI  
TO SECSTATE WASHDC PRIORITY 9072

C O N F I D E N T I A L TBILISI 000402

SIPDIS

SIPDIS

DEPT FOR EUR/CARC

E.O. 12958: DECL: 03/11/2018  
TAGS: [PHUM](#) [PREL](#) [PGOV](#) [KDEM](#) [GG](#)  
SUBJECT: AMBASSADOR'S MEETING WITH THE MINISTER OF JUSTICE

Classified By: Ambassador John F. Tefft for reasons 1.4 (b) and (d).

¶1. (C) Summary: Ambassador used his first official meeting with Nick Gvaramia, Minister of Justice to underscore the importance of rectifying problems identified previously to permit Parliamentary elections to take place in a transparent and positive environment. Ambassador stressed the need to improve the tabulation process, the voter's list, and the complaint procedures, while addressing claims of voter intimidation. Shifting from the theme of elections to other issues under the authority of the MOJ, Ambassador acknowledged closing Tbilisi Pre-Trial Detention Facility Number 5 was a good step in addressing the overcrowding issue, but said we have serious remaining concerns about the poor conditions and leadership of the penitentiary system. Gvaramia assured Ambassador that he understood the concerns over the operating of the National Forensics Lab and the need to more actively cooperate with Ministry of Internal Affairs (MOIA) in the effective use of this resource. End Summary.

#### Election Themes

¶2. (C) Tabulation Process: Ambassador noted that some of the problems which arose in the January 5 presidential election were due to a lack of properly trained representatives familiar with the tabulation process. The solution to making the tabulation more transparent and accurate is not to cut back on the amount of information included in the precincts' protocol forms, but to lay out the form in a more logical manner to enable quicker reconciliation. Comprehensive training should also be provided to those filling out the protocols. Ambassador stressed that protocols be processed and posted in the order received in a timely manner, rather than waiting 8-10 hours before publicly revealing the results.

¶3. (C) Voters List: Ambassador stressed the need to improve the voters list and Gvaramia agreed that prior to the upcoming Parliamentary elections the voter's list should be systematically updated to address concerns about deceased and absent voters who are still actively carried on the voter's rolls. He acknowledged that part of the problem is a lack of a cohesive policy in the villages with regard to the issuance of death certificates and burial. If, for example, in Tbilisi the issuance of a death certificate is a prerequisite to getting permissions for burial, this process doesn't exist in small villages where deaths aren't properly recorded and consequently voter's rolls are not updated. Officials at the Civil Registry Agency (CRA) are actively working with gamgebelis (the heads of city councils) in the provinces to remedy this and are cross-referencing other government sources of information, such as pension fund data, for use in updating the voter's list.

¶4. (C) Gvaramia said that he himself had noticed certain irregularities in the CRA data, such as multiple persons

assigned to one address (in one instance, over 70 persons). He said that doing away with Election Day (or same day) registration would remedy part of the confusion, as some of the aforementioned cases can be traced to those who registered on the day of the election. He alluded to the "hands of the opposition" being involved in these instances, such as collusion between CRA workers and opposition representatives, but gave no further information to substantiate this claim. Ambassador said that the U.S. had funded the updating of CRA data because it was so important and critical to the future of Georgia.

15. (C) Intimidation: Ambassador reiterated the need to address reports of intimidation in the regions by gamgebelis to pressure voters. He said the Embassy had recently heard one report of intimidation even before the Parliamentary elections are in full swing. Gvaramia said gamgebelis tend to value good turnout as a measure of their success as local leadership. He agreed, however, that there is a line which should not be crossed to pressure people into turning out or voting for a particular party.

16. (C) Complaint Procedure: Ambassador stressed the need for a responsive process which would address election day complaints. Gvaramia said that 95% of the complaints filed in the previous election were not completed in a procedurally correct manner, including those filed by the Georgian Young Lawyers Association (GYLA). Gvaramia said that in order to appeal a complaint to the courts, it should have first been filed with the District Electoral Commission (DEC) and GYLA did not do this. He went on to say that having opposition representatives in the DEC during the next elections should tamp down criticism from groups filing complaints.

#### Prison Conditions

-----

17. (C) Ambassador commended the MOJ on closing Tbilisi Pre-Trial Detention Facility Number 5 which has long drawn criticism for overcrowded conditions. Noting that the newest version of the Human Rights Report would be released in coming days, Ambassador stressed that we continued to have concerns about the poor conditions in the prisons and the leadership of the Penitentiary system. Ambassador encouraged the MOJ to complete the investigation of the March 2006 prison riots and to release this report publicly. Gvaramia said that actions were underway now to resurrect and rejuvenate the Interagency Torture Council, which has not met since the fall of 2007, by reaching out to NGOS and civil society representatives. Gvaramia had hopes that the Public Defender would be appointed as the office of primary responsibility for overseeing the council's activities.

#### Judicial Reform

-----

18. (C) Ambassador urged Gvaramia to do all he could to support passage of the new Criminal Procedure Code (drafted with U.S. technical assistance) before the end of this Parliament's term. While Gvaramia agreed on the importance of the CPC, he was skeptical that there was enough time left to finish the work before elections. He nodded in agreement on hearing the Ambassador's comments about the need to improve higher legal education by getting the Ministry of Education and the Ministry of Justice to work together on a curriculum which would strengthen education by standardizing accreditation standards.

#### Forensics Lab

-----

19. (C) Ambassador restated the need for the MOJ and the MOIA to work together in sorting out areas of responsibility between the ministries in regard to the operation of the National Forensics Laboratory. He underscored the importance of both ministries' cooperation in the efficiency of the lab, to which the U.S. has contributed significant funding since 2001 and which must be reported annually to Congress.

Gvaramia acknowledged the situation, saying he himself was most anxious to address this with the MOIA as soon as possible.

TEFFT